

people as long as truth has a votary and liberty a champion among the sons and daughters of the south.

3. That it is hereby ordered that said portrait be placed in the Senate chamber at the right of the President's chair to show to future generations the features of the South's greatest leader and America's greatest defender of constitutional liberty.

Adopted.

After a benediction by the chaplain of the House, Dr. Dodge, on motion of Mr. Owsley, the Representatives retired to their hall.

On motion of Senator Glascock, the Senate adjourned to 10 a. m. Monday

FORTY-SEVENTH DAY.

SENATE CHAMBER.

Austin, March 9, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT—23.

Atlee,	Garwood,	Mott,
Burney,	Glascock,	Page,
Carter,	Harrison,	Pope,
Clark,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Whalley.
Frank,		

ABSENT—3.

Johnson, Potter, Stephens.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Townsend, the further reading of the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Garwood, for Senator Stephens, petition of citizens of Mason, San Saba and Gillespie counties, asking increase of appropriation for the ranger service in Texas.

Read first time and referred to committee on State affairs.

By Senator Garwood, for Senator Stephens, petition of citizens of Potter, Hartsford and other counties, asking increase of the appropriation for the ranger service in the State.

Read first time and referred to committee on State affairs.

The following reports were handed in from their respective committees:

Austin, March 7, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 313, being "An act for the relief of Wiley Thompson, C. Cannon, H. M. Jarrett, J. M. Brown, W. A. D. Armstrong, Frank Templeton and E. C. Dickinson from pecuniary liability as sureties on the official bond of William Neal Ramey as assistant superintendent of the Texas state penitentiary located at Rusk, Cherokee county, Texas."

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,

Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 320, being "An act to amend article 543, chapter 11, title 17, of the revised civil statutes of the State of Texas."

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,

Austin, March 7, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 67, being "An act to prevent the acquirement of title to land by ten years possession of same under certain circumstances,"

And find the same correctly engrossed.

CARTER, Chairman

Austin, March 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs to whom was referred the memorial of James J. Jones, of Victoria county, praying for the introduction of a bill in the Twenty-second Legislature allowing him to sue the state in order to determine the legal status of certain claims due the late Judge Fielding Jones, as district Judge of the counties of Victoria, DeWitt, Goehard and other counties composing the judicial district, during the years 1862 and 1863.

Have had the same under consideration, and I am instructed to report that the committee, after careful investigation, have drawn a bill granting the prayer of the petitioner;

and herewith present the same with the recommendation that it do pass.

All of which is respectfully submitted.

WHATLEY, Chairman.

The bill is as follows:

By Senator Whatley:

A bill to be entitled "An act to allow James J. Jones to sue the state of Texas, in the district court of Travis county, and to determine if any the state indebtedness to James J. Jones as the lawful representative of the late Fielding Jones."

Reported favorably by committee and read first time.

On motion of Senator Tyler Senator Potter was excused today on important business.

On motion of Senator Harrison, Senator Johnson was excused today on account of sickness.

On motion of Senator Kimbrough, Senator Stephens was excused until Wednesday on account of important business.

Senator Pope called attention to an omission in the Journal of Saturday, in the evening session, that only extracts of the speeches of the Ex-Governor Lubbock and of Lieutenant-Governor Pendleton were in print, and it was ordered corrected.

Senator Finch offered the following resolution:

Resolved, That there be printed for the use of the Senate, three thousand copies of the Journal of the two joint sessions of Saturday last, including all the addresses delivered in both sessions, or so many of them as may be procured.

Adopted.

The chair gave notice of signing, and signed in the presence of the Senate:

Senate bill No. 172, entitled "An act to provide an annual \$150 pension for M. B. Irwin, a surviving soldier of the Texas revolution."

BILLS AND RESOLUTIONS.

By Senator Kearby:

A bill to be entitled "An act to amend section 2, of an act entitled an act to provide for the organization of the state penitentiaries, and for the more efficient management of the same, approved March 17, 1881."

Read first time and referred to committee on State Affairs.

By Senator Carter:

Joint resolution, proposing to amend article V of the constitution of the State of Texas.

Read first time and referred to committee on Constitutional Amendments.

Senator Frank moved to suspend the rules and take up Senate bill No. 273, entitled an act to protect buffalo, deer and an elope, in this state from wanton destruction.

Adopted.

And bill read second time with a favorable committee report.

Senator Frank offered the following amendment:

Amend the bill by adding section 4 to the bill as follows:

Section 4. The near approach of the close of the present session of the Legislature creates an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and same is hereby suspended.

The bill was ordered engrossed

Senator Frank moved that the constitutional rule requiring a bill to be read on three several days be suspended and the bill put on its third reading and final passage.

Adopted by the following vote:

NAYS—24.

Atlee,	Frank,	Mott,
Burney,	Garwood,	Page,
Carter,	Glasscock,	Pope,
Clark,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins,
Crane,	Lubbock,	Townsend,
Cranford,	Maeize,	Tyler,
Finch,	McKinney,	Whatley.

NAYS—None.

Bill read third time and passed.

On motion of Senator Carter substitute Senate bills Nos. 52 and 54 was postponed until Tuesday.

ORDER OF THE DAY.

Senate bill No. 149, entitled "An act authorizing and requiring the attorney-general to institute suit to recover school lands where the purchasers thereof have failed or refused to comply with the laws relating to the payment of the principal or interest on such purchases, fixing the venue thereof and prescribing the manner of stating the case of the State, the manner of answer, the relief to be granted or the judgment to be rendered in such cases."

Taken up on second reading.

(Senator Townsend in the chair.)

The committee amendments were adopted.

Senator Burney offered the following amendment:

Amend by striking out the words "or in Travis county," in section 2 of the bill.

Lost by the following vote:

YEAS—7.
 Atlee, Kimbrough, Simkins,
 Burney, Maetze, Townsend,
 Frank,

NAYS—17.
 Carter, Garwood, Page,
 Clark, Glasscock, Pope,
 Clemens, Kearby, Seale,
 Crane, Lubbock, Tyler,
 Cranford, McKinney, Whatley.
 Finch, Mott.

Senator Frank offered the following amendment:

Strike out all after the word "after" down to and including the word "act" in line 15, section 5, and insert the following: "This act shall take effect."

Senator Tyler offered the following substitute:

Amend sections 5 and 6 by striking out the word "passage" wherever it occurs in either of said sections and insert in lieu thereof the words "taking effect."

Which was accepted by Senator Frank and adopted.

Senator Seale offered the following amendment:

Amend page 2, sections 5 and 6, by striking out the word "sixty" and insert "ninety."

Adopted.

Senator Carter offered the following amendment:

Add to the caption after the word "purchases," "or has failed in any respect to comply with the law under which the purchase was made."

Adopted.

The bill was ordered engrossed.

Senator Carter moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—24.
 Atlee, Frank, Mott,
 Burney, Garwood, Page,
 Carter, Glasscock, Pope,
 Clark, Kearby, Seale,
 Clemens, Kimbrough, Simkins,
 Crane, Lubbock, Townsend,
 Cranford, Maetze, Tyler,
 Finch, McKinney, Whatley.

NAYS—None.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
 TWENTY-SECOND LEGISLATURE,
 AUSTIN, Tex., March 9, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed

House bill No. 554, being "An act amendatory of and supplementary to an

act entitled an act to restore and confer upon the county court of Nacogdoches county the civil and criminal jurisdiction heretofore belonging to it under the constitution and general laws of the state, and to conform the jurisdiction of the district court of said county to such change, approved February, 1891," under suspension of the rules; ayes 79, noes none.

SAM H. DIXON,

Chief Clerk House of Representatives.

House bill No. 554 was read first time and referred to Judiciary committee No. 1.

Pending bill read third time.

Senator Carter offered the following amendment:

Amend section 6, line 23, after the word act, and add "as to the payment of interest."

Adopted.

The bill was passed by the following vote:

YEAS—23.

Atlee,	Frank,	Page,
Burney,	Garwood,	Pope,
Carter,	Glasscock,	Seale,
Clemens,	Kearby,	Simkins,
Clark,	Lubbock,	Townsend,
Crane,	Maetze,	Tyler,
Cranford,	McKinney,	Whatley.
Finch,	Mott,	

NAYS—1.

Kimbrough.

Senator Page moved to suspend pending business.

Adopted.

Senator Page moved to take up Senate bill No. 304, entitled "An act to authorize the governor to appoint a state revenue agent and to prescribe his powers and duties."

Adopted.

Bill read second time with the following committee amendments:

Amend section 3, page 3, line 18, by striking out "at or near Austin" and insert in lieu thereof "in Travis county."

Further amend by adding after section 3 the following: "If the revenue agent herein provided for shall wilfully make a false or fraudulent report of the financial condition of the books of any public official, department or institution, handling, receiving or disbursing any state funds, appropriated or unappropriated, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, and may be imprisoned in the county jail for any period not to exceed six months."

The committee amendments were adopted.

Senator Glasscock offered the following amendment:

Amend by adding to section 1 the following: "Or for any other purpose

or for improvements made by the State on State property or money received and disbursed by any board authorized by law to receive and disburse any State money.

Adopted.

Senator Clemens offered the following amendment:

Add after the word "therein" line 17, "whereupon the Governor shall institute civil and criminal proceedings through the attorney general against such delinquent parties in the name of the State."

Senator Glascock offered the following amendment, which was accepted by Senator Clemens:

Amend Senator Clemens' amendment by adding the following thereto: "who are reported by such agent to be delinquent."

The amendment as amended was adopted.

The bill was ordered engrossed.

Senator Page moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill now pass to a third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Garwood,	Page,
Burney,	Glasscock,	Pope,
Clark,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins,
Craae,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Whatley.
Frank,	Mott.	

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—23.

Atlee,	Garwood,	Page,
Burney,	Glasscock,	Pope,
Carter,	Kearby,	Seale,
Clark,	Kimbrough,	Simkins,
Clemens,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Whatley
Frank,	Mott.	

NAYS—None.

REGULAR ORDER.

Senate bill No. 257 entitled "an act to create and establish an industrial institute in the State of Texas, and a college for the education of white girls in the arts and sciences.

Taken up on second reading and ordered engrossed.

By consent Senator Pope made the following report:

COMMITTEE ROOM,

Austin, March 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

House bill No. 554, being "An act

amendatory of and supplementary to an act entitled an act to restore and confer upon the county court of Nacogdoches county the civil and criminal jurisdiction heretofore belonging to it under the constitution and general laws of the State, and to conform the jurisdiction of the district court of said county to such change."

Approved February, 1891,

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

POPE, Chairman.

Senator Carter moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the pending bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS 23.

Atlee,	Frank,	Mott,
Burney,	Garwood,	Pope,
Carter,	Glasscock,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Townsend,
Crane,	Lubbock,	Tyler,
Cranford,	Maetze,	Whatley.
Finch,	McKinney,	

NAYS—None.

The chair gave notice of signing, and signed in presence of the Senate:

House bill No. 142, entitled "An act to fix the time for holding the district court in the twenty-fourth judicial district."

The pending bill was read first time and passed by the following vote:

YEAS—23.

Atlee,	Frank,	Pope,
Burney,	Garwood,	Seale,
Carter,	Glasscock,	Simkins,
Clark,	Kearby,	Townsend,
Clemens,	Lubbock,	Tyler.
Crane,	Maetze,	Whatley.
Cranford,	McKinney,	Mr. President,
Finch,	Mott,	

YEAS—None.

House bill No. 57, entitled an act to be entitled an act to amend article 541, chapter 11, title xvii of the revised civil statutes of the State of Texas.

Taken up and read third time.

Senator Garwood offered the following amendment:

Amend by striking out all words after the word "provided" in section 1, line 4, page 2 of the bill and insert in lieu thereof the following: "Where cities and towns have reincorporated under chapter 1 or 11 of title 17 of the revised civil statutes, prior to the adoption of this act, upon a majority vote of the taxpaying property owners of said city or town, all property, real or personal, of the old or defacto corporation, shall be vested in the new one; and provided further, that the new cor-

poration shall assume all the legal indebtedness, contracts and obligations of the old corporation.

Adopted.

The bill was lost by the following vote:

YEAS—11.

Atlee, Crane, Cranford, Frank,	Garwood, Maetze, Mott, Pope.	Simkins, Townsend, Tyler.
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NAYS—12.

Burney, Clark, Clemens, Finch,	Glasscock, Harrison, Kearby, Kimbrough,	Lubbock, McKinney, Page, Whatley.
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Senator Kimbrough moved to reconsider the vote by which the Senate refused to pass House bill No. 57 and asked to have the motion spread upon the journal. Senate bill No. 67, entitled "An act to prevent the acquirement of title to land by ten years possession of the same under certain circumstances," taken up and read third time.

Senator Tyler offered the following amendment:

Whereas, Many small tracts of land are now enclosed by large pastures and are liable to be lost to the owners thereof under the operation of the ten years statute of limitation, there exists an emergency and an imperative public necessity for the suspension of the constitutional rule requiring all bills to be read on three several days, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

Bill read third time and passed by the following vote:

NAYS—24.

Atlee, Carter, Clark, Clemens, Crane, Cranford, Finch, Frank,	Garwood, Glasscock, Harrison, Kearby, Kimbrough, Lubbock, Maetze, McKinney,	Mott, Page, Pope, Seale, Simkins, Townsend, Tyler, Whatley.
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NAYS—1.

Burney.

Senate bill No. 185, entitled "an act to amend chapter 2, title 7 of the criminal code of the State of Texas, by adding thereto article 187a, limiting the operations of said chapter to the hours between the hours of 9 a. m. and 4 p. m.

Taken up and read third time and lost by the following vote:

NAYS—9.

Atlee, Burney, Clark,	Clemens, Garwood, Glasscock,	Lubbock, Maetze, Mott..
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NAYS—14.

Carter,	Harrison,	Pope,
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Crane,
Cranford,
Finch.
Frank,

Kearby,
Kimbrough,
McKinney,
Page.

Seale,
Simkins.
Whatley,

Senator Townsend announced that he was paired with Senator Stephens. If the latter were present he would vote no, and himself (Senator Townsend), would vote aye.

Senator Tyler announced that he was paired with Senator Potter. If the latter were present he would vote no, and himself (Senator Tyler) would vote aye.

Senator Simpkins moved a call of the Senate which the chair declared out of order after a vote was taken and not announced.

Senator Cranford moved to reconsider the vote by which Senate bill No. 185 was lost and to lay that motion on the table.

Senator Pope moved a call of the Senate, which was seconded and ordered.

The following senators answered to their names:

PRESENT—25.

Atlee, Burney, Carter, Clark, Clemens, Crane, Cranford, Finch, Frank,	Garwood, Glasscock, Harrison, Kearby, Kimbrough, Lubbock, Maetze, McKinney, Mott.	Page, Pope, Seale, Simkins, Townsend, Tyler, Whatley,
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On the motion to table the motion to reconsider the following vote was taken:

YEAS—11.

Carter, Crane, Cranford, Finch,	Frank, Kearby, Kimbrough, McKinney.	Page, Seale, Whatley.
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NAYS—13.

Atlee, Burney, Clark, Clemens, Garwood.	Glasscock, Harrison, Lubbock, Maetze,	Mott, Pope, Townsend, Tyler.
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And the motion was lost.

On motion to reconsider, the following vote was taken:

YEAS—13.

Atlee, Burney, Clark, Clemens, Garwood.	Glasscock, Harrison, Lubbock, Maetze,	Mott, Pope, Townsend, Tyler,
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NAYJ—12.

Carter, Crane, Cranford, Finch,	Frank, Kearby, Kimbrough, McKinney,	Page, Seale, Simkins, Whatley.
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And the motion was adopted

Senator Townsend moved that the bill be postponed and made special order for next Monday.

Senator Kearby moved to postpone the bill indefinitely.

Lost by the following vote:

YEAS—12.

Carter,	Frank,	Page,
Crane,	Kearby,	Seale,
Cranford,	Kimbrough,	Simkins,
Finch,	McKinney,	Whatley.

NAYS—13.

Atlee,	Glasscock,	Pope.
Burney,	Harrison,	Townsend,
Clark,	Lubbock,	Tyler.
Clemens,	Maetze,	
Garwood,	Mott,	

The motion of Senator Townsend to postpone and make it special order for Monday adopted by the following vote:

YEAS—15.

Atlee,	Glasscock,	Page,
Burney,	Harrison,	Pope,
Clark,	Lubbock,	Seale,
Clemens,	Maetze,	Townsend,
Garwood,	Mott,	Tyler.

NAYS—10.

Carter,	Frank,	McKinney,
Crane,	Kearby,	Simkins,
Cranford,	Kimbrough,	Whatley.
Finch,		

Senator Pope moved to suspend the constitutional rule requiring a bill to be read on three several days and take up on second reading.

House bill No. 554, entitled "An act amendatory of and supplementary to an act entitled an act to restore to and confer upon the county court of Nacogdoches county the civil and criminal jurisdiction heretofore belonging to it under the constitution and general laws of the state, and to conform the jurisdiction of the district court of said county to such change, approved February, 1891."

Adopted by the following vote:

YEAS—25.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Page,
Carter,	Harrison,	Pope,
Clark,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins,
Crane,	Lubbock,	Townsend,
Cranford,	Maetze,	Tyler,
Finch,	McKinney,	Whatley.
Frank,		

NAYS—None.

Bill read second time and passed to a third reading.

Senator Pope moved to further suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—25.

Atlee,	Garwood,	Page,
Burney,	Glasscock,	Pope,
Carter,	Harrison,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Townsend,
Crane,	Lubbock,	Tyler,
Cranford,	Maetze,	Whatley.
Finch,	McKinney,	
Frank,	Mott,	

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—24.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Page,
Clark,	Harrison,	Pope,
Clemens,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley.

NAYS—None.

Senator Simkins moved to postpone temporarily House bill No. 140, which came up in regular order.

Adopted.

Senator Townsend moved to table the motion to reconsider the vote passing to a third reading.

House bill No. 211, entitled "An act to amend section one (1) of an act entitled an act to amend section 46, chapter 25 of the acts of 1885, entitled an act to amend chapter 79, of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46, of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, and March 27, 1887, and March 29, 1889,"

Adopted.

Bill was read third time and passed by the following vote:

YEAS—23.

Atlee,	Frank,	Page,
Burney,	Garwood,	Pope,
Carter,	Glasscock,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Townsend,
Crane,	Lubbock,	Tyler,
Cranford,	McKinney,	Whatley.
Finch,	Mott,	

NAYS—None.

Senator Glasscock moved to postpone pending business and take up Senate bill No. 218, entitled "An act to provide for taking the scholastic census annually in counties having the community and district system, and such cities and towns as may have assumed or may hereafter assume control of the public free schools, and to provide who shall take such scholastic census, and to the time and manner in which the same shall be taken, and for a revision of such census by the various school boards or trustees, and for reports so received to be made to the county superintendent of public instruction and provide for taking such census, and providing a penalty for the violation of the provisions of this act, and to repeal article 3740, revised statutes, and section 40, chapter 38, as amended by the Nineteenth Legislature," approved March 24, 1885.

Sections 80, 81, 82, 83, 84, 85 and 86,

chapter 25, passed at the special session of the Eighteenth legislature, all pertaining to the taking of the scholastic census.

Adopted.

Bill read second time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE,
AUSTIN, Tex., March 9, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed

Senate bill No. 3, being an act to provide for revising, digesting and punishing the laws, civil and criminal, of the state of Texas, with attached amendments.

SAM H. DIXON,
Chief Clerk House of Representatives.

On motion of Senator Page the Senate adjourned to 3 p. m. today.

AFTERNOON SESSION.

Senate met pursuant to adjournment.
Lieutenant Governor Pendleton in the chair.

Roll call.

Quorum present.

The following Senators answering to their names:

PRESENT—23.

Atlee,	Frank,	Mott,
Burney,	Garwood,	Page,
Carter,	Glasscock,	Pope,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Townsend,
Crane,	Lubbock,	Tyler,
Cranford,	Maetze,	Whatley.
Finch,	McKinney,	

Question recurred to the engrossment of Senate bill No. 218, entitled "An act to provide for taking the scholastic census annually in counties having the community and district systems, and such cities and towns as may have assumed or may hereafter assume control of the public free schools; and to provide who shall take said scholastic census, and the time and manner in which the same shall be taken; and for a revision of such census by the various school boards or trustees, and for reports so revised to be made to the county superintendent and county judges, and to the state superintendent of public instruction, and providing compensation for taking such, and providing a penalty for violation of this act, and to repeal all laws in conflict with the provisions of this act."

Senator Burney sent up the following privileged report:

COMMITTEE ROOM,
Austin, March 7, 1891.

Hon. George C. Pendleton, [President of the Senate:

Sir—Your Conference Committee, to whom was referred

House bill No. 52, for conference on Senate amendments hereto beg leave to report that said committee have agreed to the adoption of all the said Senate amendments, except so much thereof as includes the counties of Tom Green, Coke and Menard, and we therefore recommend the adoption of said Senate amendments by after striking out the words Tom Green, Coke and Menard.

BURNEY,
FRANK,
KIMBROUGH,
MCKINNEY,

Committee on the part of the Senate.

BAKER, of Tom Green;
ROGERS, of Anderson;
SWAN, of Clay;
LINDSEY, of Smith;

Committee on the part of the House.

Adopted.

Senator Glasscock offered the following amendment to the pending bill:

Amend by adding to the bill the following:

Whereas, Under the present law various parties are authorized to take the scholastic census, which often creates a confusion, and there should be a better system of taking said census, which is sought to be provided for in this bill, and the further fact that the session is rapidly drawing to a close, which in the ordinary delay of legislation, this bill would not probably pass at this session of the Legislature; therefore an emergency and imperative public necessity exists requiring the constitutional rule for bills to be read on three several days be suspended, and said rule is hereby suspended.

(Senator Seale in the chair.)

Senator Garwood offered the following amendment:

Amend by adding section 2 to read as follows:

None of the provisions of this act shall apply to counties operating under the community system.

The amendment of Senator Glasscock was adopted.

The amendment of Senator Garwood was adopted by the following vote:

YEAS—12.

Atlee,	Kearby,	Pope,
Crane,	McKinney,	Seale,
Cranford,	Mott,	Townsend,

Garwood, Page, Whatley.
 NAYS—10.
 Clemens, Harrison, Maetze,
 Finch, Kimbrough, Simkins,
 Frank, Lubbock, Tyler.
 Glasscock,

Senator Finch offered the following amendment:

Amend by striking out section 7 of the bill, and numbering the other sections to correspond.

Adopted.

On the engrossment of the bill the following vote was taken:

YEAS—11.

Atlee, Frank, Simkins,
 Clemens, Glasscock, Townsend.
 Crane, Maetze, Tyler,
 Finch, Seale,

NAYS—12.

Carter, Kearby, Mott,
 Cranford, Kimbrough, Page,
 Garwood, Lubbock, Pope,
 Harrison, McKinney, Whatley,

And the bill was refused engrossment.

Senator Frank moved to postpone pending business and take up out of its regular order

Senate bill No 175, entitled "An act to purchase State convict farms and improve and stock the same and work convicts thereon, and to make an appropriation therefor.

Adopted by the following vote:

YEAS—17.

Atlee, Garwood, Mott,
 Clemens, Glasscock, Pope,
 Crane, Kearby, Seale,
 Cranford, Kimbrough, Townsend.
 Finch, Maetze, Whatley.
 Frank, McKinney,

NAYS—5.

Harrison, Page, Tyler,
 Lubbock, Simkins,

Bill read second time with report from the committee and the following committee amendments:

Strike out section after the preamble and substitute the following:

Section 1. Be it enacted by the legislature of the state of Texas:

That the penitentiary board of this state, together with the board of education, are hereby authorized, empowered and directed, as soon as practicable after after the passage of this act to purchase upon approval by the governor, in trust for the permanent school fund of this state, and in the name of the state of Texas, for said permanent school fund and for the purpose of giving constant and profitable employment to state convicts who cannot be profitably employed within the walls of the penitentiary, as soon as practicable, so

much land as can be profitably used. Said land to be well adapted to agricultural purposes and best adapted to the constant and profitable employment of convict labor. Said land may be purchased in one or more tracts and may be partly improved and partly unimproved as may seem to said boards to be in the best interests of the state in the utilization of said convict labor.

Strike out section 4 and substitute the following section:

"Section 4. There is hereby appropriated the sum of one million dollars, or so much thereof as may be necessary, out of the permanent school fund of the State, for the purchase of said farm or farms and for the purpose of stocking said farms and making improvements thereon, and the support of the convict force employed in the improvement and cultivation of the same."

"The State of Texas through said penitentiary board shall pay to the board of education annually on the first day of April interest at the rate of six per cent per annum on the amount so invested for the benefit of the available school fund, and any time after six years from the date of said investment, or as may be provided hereafter by law, said penitentiary board acting for the State shall, upon the demand of the board of education, pay to the State treasury the principal so invested. Said penitentiary board shall, after said farm or farms purchased under this act in connection with the entire penitentiary system, becomes self-sustaining, pay the net proceeds of the farm or farms so purchased under this act into the State treasury for the benefit of the available school fund, until otherwise provided by law."

The following privileged reports were sent up:

COMMITTEE ROOM,

Austin, March 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 316, being "An act to amend an act entitled an act to amend article 425c, chapter 55, of the revised civil statutes of the State of Texas, as passed by the Twentieth Legislature of the State of Texas, by an act approved March 23, 1887, to authorize cities and towns to levy and collect taxes for the construction of public buildings, water-works, sewers, improvements of

roads and bridges, streets and other permanent improvements to issue bonds therefor and repeal all laws in conflict therewith, and declaring an emergency.

And find the same correctly engrossed.

CARTER, Chairman.
COMMITTEE ROOM,
Austin, March 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed bills have carefully examined and compared

Senate bill No. 273, being "An act to protect buffalo, deer and antelope in this state from wanton destruction.

And find the same correctly engrossed.

CARTER, Chairman.
COMMITTEE ROOM,
Austin, March 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 172, being "An act to provide an annual pension of \$150 for M. B. Irwin, a surviving soldier of the Texas revolution,"

And find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his signature.

CRANE, Chairman.
COMMITTEE ROOM,
Austin, March 9, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 304, being "An act to authorize the governor to appoint a state revenue agent and to prescribe his powers and duties,"

And find the same correctly engrossed.

CARTER, Chairman.
COMMITTEE ROOM,
Austin, March 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 257, being "An act to create and establish an industrial school in the State of Texas, and a college for the education of white girls in the arts and sciences,"

And find the same correctly engrossed.

CARTER, Chairman.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE, }
Austin, Tex., March 9, 1891, }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has passed

House bill No. 306, "An act to make valid the adoption by the city of Cleburne on the 12th day of October A. D. 1875, of the general incorporation act of this State approved March 15, 1875, in lieu of its special charter granted May 3, 1871, and to remedy any defects and irregularities therein."

Ayes 73, Nays none.

SAM H. DIXON,
Chief Clerk, House of Representatives.

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE, }
Austin, Texas, March 9, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform you that the House has passed Senate bill No. 61 "An act to repeal exceptions 3 to article 370, chapter 7, title 8, code of criminal procedure of the State of Texas."

SAM H. DIXON,
Chief Clerk House of Representatives.

Senator Kimbrough moved to reconsider the vote by which the Senate refused to engross Senate bill No. 218, and asked to have that motion spread upon the journal.

Senator Tyler moved to reconsider the vote by which Senate bill No. 149 was passed and asked to have that motion spread upon the journal.

(The President in the chair.)

The committee amendments to the pending bill were adopted.

Senator Pope offered the following amendment:

Amend section 4 by committee, provided that if the board deem it for the best interests of the state, they may in lieu of paying money for said farm or farms, and stocking and improving same, give the labor of convicts for any term of years they find adequate and proper for said purposes:

Senator Townsend offered the following substitute, which, on motion of Senator Frank, was ordered to be printed in the Journal:

Strike out all after the caption, and insert as follows:

Section 1. Be it enacted by the Legislature of the State of Texas: That the penitentiary board of this State, together with the board of education,

are hereby authorized, empowered and directed, as soon as practicable after the passage of this act, to purchase, upon approval by the Governor, out of the general revenue of this State and in the name of the State of Texas, and for the purpose of giving constant and profitable employment to State convicts who cannot be profitably employed within the walls of the penitentiary, as soon as practicable, so much land as can be profitably used. Said land to be well adapted to agricultural purposes and best adapted to the constant and profitable employment of convict labor. Said land may be purchased in one or more tracts and may be partly improved and partly unimproved as may seem to said boards to be in the best interest of the State in the utilization of said convict labor.

"Section 4. There is hereby appropriated the sum of \$1,000,000, or so much thereof as may be necessary, out of the general revenue of the state, for the purchase of said farm or farms, and for the purpose of stocking said farms and making improvements thereon, and the support of the convict force employed in the improvement and cultivation of the same."

That bonds of the state shall be issued in denominations of \$1000 each, to the amount of million of dollars to bear 6 per cent per annum, and the permanent school fund of this State shall be invested in said bonds at par—the money to go to the State to carry out the provisions of this and said bonds to belong to the permanent school fund, the interest thereon to be paid annually by the State, and become a part of the available school fund."

House bill No. 306, entitled "An act to make valid the adoption by the city of Cleburne on the 12th day of October, A. D., 1875, of the general incorporation act of this State, approved March 15, 1875 in lieu of the special charter granted May 3, 1871, and to remedy any defects, irregularities therein."

Read first time and referred to committee on incorporated cities and towns.

On motion of Senator Kimbrough the Senate adjourned to 10 a. m. tomorrow.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
Austin, March 10, 1891.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—27.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Page,
Carter,	Harrison,	Pope,
Clark,	Johnson,	Potter,
Clemens,	Kearby,	Scale,
Crane,	Kimbrough,	Sinkins,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whately.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Finch, the further reading of the same was dispensed with.

The chair handed the following communication to the secretary which was read:

COMMITTEE ROOM.

Austin, March 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Dear Sir: I am requested by Mr. W. A. Williamson, son of the late Hon. R. M. Williamson, to tender to the state for the use of the Senate, a full-length portrait of his distinguished father.

The services of Judge Williamson in the cause of Texan independence, the eloquence and zeal with which he raised his voice in our earliest days for the cause of liberty, and his lifelong devotion to the people, much of which life was spent in the Texas Senate, make it peculiarly appropriate that his portrait should adorn the walls of the Senate chamber; as a memento for coming generations of the hero who first spoke and fought for Texas, and who contributed more, perhaps, than any other single man to precipitate the conflict which gave Texas to Anglo-Saxon civilization; and to us who now enjoy the blessings of liberty under the protection of her laws.

Allow me in behalf of the donor to express the hope that the Senate will accept this patriotic gift from a native son of the State, and that it will take appropriate action for its formal presentation, at such time as may suit its convenience.

Respectfully,
GEO. CLARK.

The following reports were handed in from their respective committees: